



Patent
Attorney Docket No. 032796-218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP: NON-FEE AMENDMENT

In re Patent Application of

Gary L. Breton

Application No.: 09/540,209

Filing Date: April 4, 2000

Title: NUCLEIC ACID SEQUENCES RELATING TO BACTERIOIDES FRAGILIS FOR DIAGNOSTICS AND THERAPEUTICS

Group Art Unit: 1634

Examiner: Sally A. Sakelaris

Confirmation No.: 9843

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

A Petition for Extension of Time is also enclosed.

Terminal Disclaimer(s) and the \$55.00 (2814) \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

Also enclosed is/are _____

Small entity status is hereby claimed.

Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$385.00 (2801) \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).

Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

Applicant(s) previously submitted _____

on _____, for which continued examination is requested.

Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	13	MINUS 28 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	7	MINUS 9 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

A check in the amount of _____ is enclosed for the fee due.

Charge _____ to Deposit Account No. 02-4800.

Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: May 12, 2004

By



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MAY 12 2004
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Gary L. Breton

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For: NUCLEIC ACID SEQUENCES
RELATING TO *BACTERIOIDES*
FRAGILIS FOR DIAGNOSTICS AND
THERAPEUTICS

) **MAIL STOP: AMENDMENT**
)
) Group Art Unit: 1634
)
) Examiner: Sally A. Sakelaris
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) Confirmation No.: 9843
)
)

AMENDMENT AND REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed February 12, 2004, please amend the application pursuant to 37 C.F.R. §§ 1.111 as follows: